

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joseph Hennessy	Team: Squad #12	CCRB Case #: 202002217	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/09/2020 12:20 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 4/26/2022	Precinct: 24		
Date/Time CV Reported Mon, 03/09/2020 12:31 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/18/2020 2:44 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Eugene Choi	03654	941552	024 PCT
2. POM Thomas Lee	23260	947169	024 PCT
3. SGT Kevin Cameron	05518	954594	024 PCT
4. POM Thomas Sjoberg	13350	957170	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Eugene Choi	Abuse: Police Officer Eugene Choi stopped § 87(2)(b)	§ 87(2)(b)
B.POM Thomas Lee	Abuse: Police Officer Thomas Lee stopped § 87(2)(b)	§ 87(2)(b)
C.SGT Kevin Cameron	Abuse: Sergeant Kevin Cameron stopped § 87(2)(b)	§ 87(2)(b)
D.POM Eugene Choi	Abuse: Police Officer Eugene Choi threatened to damage § 87(2)(b) property.	§ 87(2)(b)
E.POM Thomas Lee	Abuse: Police Officer Thomas Lee threatened to damage § 87(2)(b) property.	§ 87(2)(b)
F.SGT Kevin Cameron	Abuse: Sergeant Kevin Cameron threatened to damage § 87(2)(b) property.	§ 87(2)(b)
G.POM Eugene Choi	Abuse: Police Officer Eugene Choi refused to provide his name to § 87(2)(b)	§ 87(2)(b)
H.POM Eugene Choi	Abuse: Police Officer Eugene Choi failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
I.POM Thomas Lee	Abuse: Police Officer Thomas Lee failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
J.SGT Kevin Cameron	Abuse: Sergeant Kevin Cameron failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		
O.POM Eugene Choi	Untruthful Stmt.: On August 21, 2021, Police Officer Eugene Choi provided a false official statement to the CCRB.	

Case Summary

On March 9, 2020, § 87(2)(b) filed this complaint with the Internal Affairs Bureau, generating Log § 87(2)(b). This case was classified by IAB as a Profiling – Race / Color / Ethnicity / Nationality complaint. IAB created a spin-off complaint to refer allegations to the CCRB. The spin-off complaint was received at the CCRB on March 18, 2020.

On March 9, 2020, at approximately 12:20 a.m., § 87(2)(b) was working after hours in his dental practice located at § 87(2)(b) in Manhattan. Police Officers Eugene Choi and Thomas Lee, both from the 24th Precinct, observed § 87(2)(b) inside the office and suspected he might be trespassing. The officers ordered § 87(2)(b) to come outside and show them his ID (**Allegation A: Abuse of Authority, § 87(2)(g)** (**Allegation B: Abuse of Authority, § 87(2)(g)** § 87(2)(b) said his name and identified himself as the owner of the dental office, but the officers continued to insist he exit the building to speak with them. Sgt. Kevin Cameron and Officer Thomas Sjoberg, also of the 24th Precinct, arrived. Sgt. Cameron directed § 87(2)(b) to exit the office and show his identification (**Allegation C: Abuse of Authority, § 87(2)(g)** Officer Lee and Officer Choi threatened to damage to damage § 87(2)(b) property (**Allegation D: Abuse of Authority, § 87(2)(g)** (**Allegation E: Abuse of Authority, § 87(2)(g)** (**Allegation F: Abuse of Authority, § 87(2)(g)** § 87(2)(b) eventually exited the office and showed officers his identification. Officer Choi refused to provide his name to § 87(2)(b) upon request (**Allegation G: Abuse of Authority, § 87(2)(g)** The officers left without arresting or summoning § 87(2)(b) Officer Lee, Officer Choi, and Sgt. Cameron did not provide § 87(2)(b) with their business cards (**Allegation H: Abuse of Authority, § 87(2)(g)** (**Allegation I: Abuse of Authority, § 87(2)(g)** (**Allegation J: Abuse of Authority, § 87(2)(g)**

§ 87(2)(g), § 87(4-b)

On August 21, 2021, Officer Choi provided a false official statement to the CCRB (**Allegation O: Untruthful Statement, § 87(2)(g)**

The investigation obtained body-worn camera footage (BWC) from Officer Lee (BR18, summarized in BR22), Officer Choi (BR19, summarized in BR23), Sgt. Cameron (BR20, summarized in BR24), and Officer Sjoberg (BR21, summarized in BR25). The investigation also obtained surveillance footage from the dental office (BR10 and BR11; summarized in BR26 and BR27, respectively).

The CCRB submitted a request to IAB on September 10, 2021 for the case file of the concurrent investigation into allegations of racial profiling. To date, IAB has not responded to this request.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Eugene Choi stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Thomas Lee stopped § 87(2)(b)

Allegation (C) Abuse of Authority: Sergeant Kevin Cameron stopped § 87(2)(b)

§ 87(2)(b) provided testimony to the CCRB (BR01). On March 9, 2020, at a time determined by

the investigation to be 12:20 AM, § 87(2)(b) was alone in his office at § 87(2)(b) in Manhattan completing lab work. § 87(2)(b) is located between § 87(2)(b) and § 87(2)(b). § 87(2)(b) rents the office for his dental practice, § 87(2)(b) which is normally open between 10:00 AM and 10:00 PM. § 87(2)(b) dental practice is open later than any other dental office in New York City because his business model caters to individuals with busy work schedules. § 87(2)(b) business hours are noted on his website but not on any of the signage for the business (§ 87(2)(b) has since changed his business hours as a result of this incident). There was an illuminated sign in the patient waiting room, but not all the lights were on because § 87(2)(b) did not want patients to think that the office was open. § 87(2)(b) took out the trash, unlocked the office entrance with his keys, and reentered the office. § 87(2)(b) did not have any difficulty opening the front door. Sometime after, the doorbell rang, and § 87(2)(b) saw Officer Lee and Officer Choi standing at his front door. § 87(2)(b) spoke with them over an intercom system. Officer Lee stated that he needed to come outside and show them his ID. § 87(2)(b) was scared and called 911 to report the incident. § 87(2)(b) did ultimately exit to speak with officers and provide his identification.

A stop report was prepared by Officer Lee in relation to this incident (BR08). In the “factors that led to stop” section, Officer Lee wrote “Spike of commercial burglaries in the area, person stopped was very evasive.” In the “crime suspected” section, Officer Lee wrote, “burglary.” In the reason for not offering business card to person stopped section, Officer Lee wrote “person too agitated at the time creating a hostile environment.” The narrative section of the stop report is identical to the narrative section of Officer Lee’s memo book entry related to this incident. The report was approved by Sgt. Cameron.

Officer Choi provided testimony to the CCRB (BR02). On March 9, 2020, Officer Choi and Officer Lee, who were in uniform, were stopped in a marked police car at a red light across the street from § 87(2)(b) in Manhattan. At the time of the incident, Officer Choi did not know anything about § 87(2)(b) and had not responded to any calls involving the address in the past. Officer Choi saw an individual later identified as § 87(2)(b) enter the dentist’s office at § 87(2)(b) by opening the front door and walking inside. Officer Choi parked his vehicle in front of § 87(2)(b) and walked to the front door of § 87(2)(b). The door to § 87(2)(b) was closed and there was no visible damage on the outside of the building. The lights were off inside the building. Officer Choi believed that under normal circumstances, a person who entered a building would turn the lights on. Officer Choi and Officer Lee shined their flashlights into the building through the front windows. Officer Choi saw § 87(2)(b) duck down underneath the reception desk in the office when he shined his flashlight into the office. Officer Choi believed that § 87(2)(b) was intentionally hiding from officers because he ducked under the desk after Officer Choi and Officer Lee turned on their flashlights. § 87(2)(b) did not do anything else that stood out to Officer Choi as unusual or suspicious while he was inside of the office. When Officer Choi saw § 87(2)(b) hiding under the desk after he and Officer Lee had shined their flashlights at him, he believed that this, in addition to the fact that § 87(2)(b) was in the office late at night, indicated that § 87(2)(b) had entered the building unlawfully. Officer Choi did not see anything else that led him to believe that § 87(2)(b) had entered the building unlawfully. § 87(2)(b) spoke with Officer Choi and Officer Lee over an intercom. § 87(2)(b) stated that he was a dentist who worked at the building. Officer Choi and Officer Lee stated that they needed to verify his ID to see if he was a dentist and to determine if he was permitted to be in the building. At some point during this conversation, § 87(2)(b) called 911, which allowed Officer Choi to access § 87(2)(b) number. Officer Lee then called § 87(2)(b). Officer Choi conducted an internet search via Google for the address § 87(2)(b). He found that it was a dental practice owned by Dr. § 87(2)(b). He also found a picture of § 87(2)(b) on the website. Officer Choi states that he was not able to tell if the

photograph from the website depicted the person who was in the building because it was dark inside the building. Officer Choi did not say whether this internet search impacted his suspicion of potential criminality.

Officer Choi's memo book (BR03) from the date of the incident contains the following information: Officer Lee arrived at § 87(2)(b) at midnight on March 9, 2020. At 1:50 AM, the incident ended with the disposition "93Q"—other report prepared; a stop report with number 39 was prepared.

Officer Lee provided testimony to the CCRB (BR04) that was generally similar to that of Officer Choi. No officer had communicated any information to Officer Lee in the weeks before this incident regarding Columbus Avenue near the incident location. Officer Lee had not reviewed any police documents that contained information regarding the sector that he was patrolling that day. Officer Lee was not aware of any crime patterns in the vicinity of the incident location at the time of the incident. There was no visible damage to the door of the establishment. Officer Lee stated there were some lights on at the back of the office, but that the office was very dark. When Officer Lee called § 87(2)(b) he said to § 87(2)(b) that he and Officer Choi had witnessed him enter the building and therefore needed to verify his ID. While on the phone with § 87(2)(b) Officer Lee stated that if § 87(2)(b) did not provide his ID as requested, he and Officer Choi would call another unit to break open the door so that the officers could enter and determine if § 87(2)(b) was allowed to be inside of the office. Officer Lee did not say whether his conversation with § 87(2)(b) over the phone impacted his suspicion or potential criminality. Other than stated above, Officer Lee's testimony was consistent with the testimony of Officer Choi.

Officer Lee's memo book (BR05) from the date of the incident contains the following information: "At t/p/o [time and place of occurrence], male was observed going into a commercial establishment way past the business hours. Upon investigation of a possible burglary in progress, male refused to open the door, become very agitated and evasive. Male also then called dispatch stating there was cops harassing him at his dental office but gave a wrong address § 87(2)(b) Sgt Cameron on scene. Male finally opened the door and officers was then able to verify his presence in the establishment. Unable to give business card to person stopped due to his behavior, name and shield was given verbally as requested during encounter. UF250 (stop report) #0039.

Sgt. Cameron provided testimony to the CCRB (BR06). On the date of incident, Sgt. Cameron received a notification from IAB instructing him to go to the scene of an incident at § 87(2)(b) in Manhattan. When Sgt. Cameron arrived, Officer Choi and Officer Lee were outside of the building. Officer Choi and Officer Lee told Sgt. Cameron that while parked across the street, they had witnessed the individual identified as § 87(2)(b) enter the closed dental office and were investigating why a person would enter a closed office building after midnight. The officers believed that § 87(2)(b) may have been committing a burglary. The officers gave no other explanation to Sgt. Cameron as to why they believed a crime was taking place. Sgt. Cameron did not provide any testimony about taking steps to confirm or further investigate the reported observations. Officer Lee and Officer Choi spoke to § 87(2)(b) via telephone and through the closed door of the business. Officer Lee and Officer Choi asked § 87(2)(b) to show his ID multiple times.

Sgt. Cameron's memo book (BR07) from the date of the incident contains the following information: At 12:30 AM on March 9, 2020, Officer Choi and Officer Lee observed a male enter a closed dental office. The officers spoke to the man in the building through the window. The man stated that he worked in the building but refused to provide an ID to the officers. The male stated that he was being harassed and that he felt threatened by the officers' use of flashlights. Officer Lee

was able to speak with the man via phone. After interacting with the officers for several minutes and stating that he did not want to show his ID, the man gave his ID to the officer. The name on the man's ID matched the name associated with the dental practice. No crime committed. Stop Report prepared.

The investigation received an Event report documenting § 87(2)(b) 911 call during the event (BR32). The Event information lists the location as § 87(2)(b). However, the Event does not specify whether that address was provided by § 87(2)(b) or generated in some other way. The investigation received an audio recording of a call between § 87(2)(b) and an IAB detective from shortly after this incident (BR09). However, the investigation has not received the audio for original call made by § 87(2)(b) to 911 on the date of the incident. The most recent request was sent through the NICE system on January 21, 2022.

§ 87(2)(b) civil attorney provided two videos recorded by surveillance cameras at § 87(2)(b) at the date and time of the incident (BR10 and BR11). The video attached to Board Review 11 depicts the waiting room of an office that opens directly onto the street. The wall and door of the office are made from glass and the exterior of the building is visible. The footage also depicts that there is an unidentified source of interior lighting and the waiting area is visible. There is also a bright light from an unidentified source outside of the office to the right of the door. At the beginning of the footage, at a time that is listed as 12:18 a.m. in the native timestamp, § 87(2)(b) a Black male dressed in a black hooded sweatshirt and black pants, leaves his office with a bag of trash and returns moments later. At 00m30s in the recording, § 87(2)(b) returns to the door of the office and uses keys to open the door without difficulty. A minute or so later at 01m25s in the recording, a police SUV stops outside of the office and Officer Lee and Officer Cho exit the vehicle. Upon approaching the office door, they press on the door handle, knock on the window, press what appears to be the intercom / buzzer, and shine their flashlights inside the business.

The video attached to Board Review 10 depicts the reception area behind the waiting room. At the beginning of the recording, § 87(2)(b) is seen walking through the officer with papers and a bag. He walks to the right of the camera's view, out of sight. At 00m41s in the recording, § 87(2)(b) walks back into view of the camera and enters the reception area. At 00m43s, Officer Lee presses a button at the entrance of the office. At 00m46s, § 87(2)(b) looks towards the door, and walks closer to the entrance of the reception area near where the exterior door and window are. He then returns to the reception area. At 00m55s, while an officer is shining a flashlight into the office, § 87(2)(b) sits in a chair behind the desk at the reception area. It is unclear from the footage whether § 87(2)(b) is visible to the officers, but at 01m00s, the beam of a flashlight appears to fall on § 87(2)(b) face. At 01m02s, § 87(2)(b) looks up towards the light and then rolls backwards slightly in his chair before rolling forward again at approximately 01m04s in the recording. § 87(2)(b) walks around the office, makes a phone call, and exits and enters the room depicted on camera, and holds up a finger before the footage ends at 8m40 seconds into the recording. The footage does not depict § 87(2)(b) exiting the office.

BWC recordings from Officer Lee, Officer Choi, Officer Sjoberg and Sgt. Cameron (BR17 through BR20) all record 30 seconds of the entrance of § 87(2)(b) dental office before § 87(2)(b) walks through a door in the office and exits the dental office at approximately 30 seconds into the footage (in all four recordings). None of the BWC footage recorded by officers captures any of the interactions that lead to § 87(2)(b) leaving his office and showing officers his identification at the end of the interaction. BWC footage does not capture any conversations between officers before the door is opened, any conversations between officers and § 87(2)(b) before the door is opened, or any telephone conversations. Officer Choi, Officer Sjoberg, and Sgt. Cameron's BWC footage all have a starting timestamp within one second of 00:50:47 on March 9, 2020. Officer Lee's BWC

footage lists the date as March 8, 2020, but his footage is consistent with the footage recorded by the other officers. The officers' BWC footage does not depict any of § 87(2)(b) movement inside of the office, aside from him exiting. At 0m35s into Officer Choi's BWC footage (BR19), Officer Choi and Sgt. Cameron say to § 87(2)(b) that they need to see his ID in order to "verify" his identity. Sgt. Cameron then says to § 87(2)(b) that they need to verify that he is not committing any crime because he walked into a business after midnight. Sgt. Cameron says that medical businesses are not generally open after midnight. At 1m37 seconds into the footage, Officer Choi says to § 87(2)(b) "Let me give you a situation, if someone else, not you, was in there, and we was just like, that person was like, they worked there, and we left, you would be pissed off." § 87(2)(b) says that he must work in his office after hours, and that that is common sense. "Officer Choi says, "What's common sense for you is not common sense for us."

The investigation received multiple reports regarding robbery patterns identified by the NYPD at the approximate time and location of incident (BR33). The provided pattern reports contained information for nine robberies or burglaries committed in the confines of the 24th Precinct in the two months preceding this incident. However, the robbery patterns noted in the reports were for crimes unrelated to the circumstances of this case, namely burglaries at restaurants that involved signs of forcible entry; shoplifting offenses at chain stores, drug stores, clothing boutiques, and convenience stores during business hours; and residential burglaries.

In People v. De Bour, 40 N.Y.2d 210 (BR12), the courts found that a stop requires reasonable suspicion on the part of officers that the individual being stopped has committed, is committing, or is about to commit a crime. The courts also found that innocuous behavior alone will not generate a founded reasonable suspicion that a crime is at hand.

Officer Choi and Officer Lee stated that their initial reason for stopping § 87(2)(b) was that he entered a business after midnight. Neither officer testified that § 87(2)(b) performed any action while opening the door to the office that would indicate an unlawful entry, nor did either officer testify that upon inspection of the door there was any damage that might be suggestive of an unlawful entry. An individual entering a business late at night, without displaying any signs that their entry was forced or otherwise unlawful, is an innocuous action that is not indicative of criminal activity. While Officer Choi stated that the lights were off in the office, Officer Lee testified and the BWC shows that there was indeed some light illuminating the interior of the office. While it may be considered out-of-the-ordinary for an individual to enter a commercial establishment after midnight, there is nothing inherently indicative of criminality about such an entry in general. Further, § 87(2)(b) specific actions of entering his office without difficulty using keys and entering an office that contains some lighting contains no indications of criminality.

While the stop report prepared by Officer Lee stated that a spike in commercial burglaries in the area was a factor that led to the stop, Officer Lee stated in his testimony to the CCRB that he had not reviewed any police documents that contained information regarding the sector that he was patrolling that day and that he was not aware of any crime patterns in the vicinity of the incident location at the time of the incident. Neither Officer Choi nor Sgt. Cameron made any statements to the CCRB indicating that they had contemporaneous knowledge of any applicable crime pattern. Although NYPD reports regarding robbery and burglary patterns identified several robberies and burglaries in the 24th Precinct, none of the reported patterns contained any similar factors to the circumstances of this incident.

Officer Choi stated that § 87(2)(b) hiding under the desk after he and Officer Lee had shined their flashlights at him, as well as the fact that § 87(2)(b) was in the office late at night, indicated that § 87(2)(b) had entered the building unlawfully. Officer Choi stated that nothing else made

him believe that § 87(2)(b) had entered the building unlawfully. BWC footage of § 87(2)(b) office does not show § 87(2)(b) perform an action that could be construed by officers as “ducking” when officers shined their flashlights at him. Instead, § 87(2)(b) moves back slightly, before moving forward again. This action is not consistent with Officer Choi’s characterization of § 87(2)(b) behavior. While § 87(2)(b) initial movement might be perceived as evasive, the evasive nature is minimal because the footage shows that § 87(2)(b) almost immediately moved back into the original position where he could be seen by officers.

Officer Choi and Officer Lee’s only articulated reasons for stopping § 87(2)(b) were that he entered a business after midnight and that he “ducked” out of view when officers shined their flashlights at him, which they perceived as him attempting to hide from them. The investigation concluded that § 87(2)(b) did move backwards when the officers flashed a flashlight over his face, but because § 87(2)(b) immediately returned to his original position where officers could see him, § 87(2)(b) actions in response to officer presence do not qualify as particularly suspicious or indicative of criminality.

The investigation cannot, at present, determine whether § 87(2)(b) provided his address as § 87(2)(b). Because the Event indicated that this address was associated with § 87(2)(b), call, the investigation credits that this is the information Officer Choi and Officer Lee received during the incident and it would have been reasonable for them to assume that § 87(2)(b) had provided this address instead of § 87(2)(b). Nonetheless, while it would be unusual for § 87(2)(b) to provide an inaccurate address for his own business, this does not specifically evince any inherent criminality. Further, information about a potential discrepancy in the reported address did not come to the officers until after they had already informed § 87(2)(b) that he was required to exit the business to identify himself. As such, the officers had already commenced the stop of § 87(2)(b) and so this information could not have been a determinative factor in their decision to stop him.

§ 87(2)(b) entering an apparently closed business after midnight, § 87(2)(b) moving away from the beam of officer’s flashlight, and the officers’ stated belief that § 87(2)(b) had provided a different address to 911 § 87(2)(g)

§ 87(2)(g)

Although Sgt. Cameron did not initiate the interaction with § 87(2)(b) the investigation determined that Sgt. Cameron participated in stopping § 87(2)(b) since he arrived on scene before § 87(2)(b) had exited the business, he did not stop Officer Lee or Officer Choi from pursuing the stop against § 87(2)(b) and he actively participated in the stop. Specifically, the BWC footage depicts Sgt. Cameron telling § 87(2)(b) that he was required to show the officers his identification so that they could confirm that he was not committing a crime and Sgt. Cameron affirmed in his CCRB testimony that he requested and was present when officers requested that § 87(2)(b) exit the office to present his identification.

The officers believed that § 87(2)(b) may have been committing a burglary. The officers gave no other explanation to Sgt. Cameron as to why they believed a crime was taking place. Neither Officer Choi nor Officer Lee mentioned any evasive actions taken by § 87(2)(b) to Sgt. Cameron.

In his testimony to the CCRB, Sgt. Cameron's only articulated reason for stopping § 87(2)(b) was that § 87(2)(b) entered a closed business after midnight and that this caused the officers to suspect that he was committing a burglary. The officers gave no other explanations to Sgt. Cameron as to why they believed a crime was taking place, and Sgt. Cameron stated that he was not aware that Officer Choi or Officer Lee had seen § 87(2)(b) take any evasive actions. Although Sgt. Cameron was called to the scene in his capacity as a supervisor, Sgt. Cameron did not take any steps to investigate the officers' suspicions of criminality. Despite Sgt. Cameron's stated beliefs, entering a business after midnight does not, in any way, indicate criminality on its own and is an entirely innocuous behavior. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Eugene Choi threatened to damage § 87(2)(b) property.

Allegation (E) Abuse of Authority: Police Officer Thomas Lee threatened to damage § 87(2)(b) property.

Allegation (F) Abuse of Authority: Sergeant Kevin Cameron threatened to damage § 87(2)(b) property.

It is undisputed that officers threatened to damage § 87(2)(b) property if he did not comply with their requests to exit the business, though there is conflicting testimony about what property the officers threatened to damage.

In his testimony to the CCRB, § 87(2)(b) stated that after Officer Lee instructed him to open the door and show officers his ID, § 87(2)(b) verbally stated to officers his name and identified himself as the dentist who works at the office. § 87(2)(b) then called 911 and filed a complaint with IAB. While on the phone with IAB, § 87(2)(b) received a call from Officer Lee, who identified himself by name. Officer Lee again directed § 87(2)(b) to show him his identification. During the telephone conversation, Officer Lee stated, "If you don't come outside, I will break your security equipment."

In his testimony to the CCRB, Officer Choi testified that § 87(2)(b) called 911, which led to § 87(2)(b) phone number appearing on Officer Lee and Officer Choi's phone screens. Officer Lee called § 87(2)(b) on the phone and spoke with him. Officer Choi and Officer Lee told § 87(2)(b) with Sgt. Cameron present, that if § 87(2)(b) did not open the door, they would call ESU [Emergency Services Unit] to break the door open. Officer Choi informed the CCRB that it would have been necessary to call ESU to break the door open if § 87(2)(b) did not provide his ID because the officers "couldn't just leave without finishing [their] investigation." Officer Lee did not say anything about damaging § 87(2)(b) security equipment during the telephone conversation.

In his testimony to the CCRB, Officer Lee stated that he did not recall making any statements about any security equipment operating in his doorway. Officer Lee said to § 87(2)(b) that if he did not open the door, he would have to find a way in, meaning that he would have to kick the door down. Officer Lee did not remember saying, "If you don't come outside, I will break your security equipment." Officer Lee stated that it would have been permissible for officers to forcibly enter the dentist's office given the circumstances. Officer Lee stated that it would have been permissible because he believed that there was a burglary in progress. Officer Lee did not recall making any

statements regarding ESU to § 87(2)(b) while on the phone with him.

In his testimony to the CCRB, Sgt. Cameron stated that he did not remember if either Officer Choi or Officer Lee ever threatened to damage § 87(2)(b) surveillance equipment. Sgt. Cameron stated that PO Lee and PO Choi told § 87(2)(b) that if he did not open the door and provide his ID, they would call ESU to break down the door and enter the building.

BWC footage from Officer Lee, Officer Choi, Officer Sjoberg and Sgt. Cameron (BR17 through BR20) does not depict this part of the incident.

The surveillance footage provided to the investigation by § 87(2)(b) attorney (BR10 and BR11) does not contain audio and therefore does not capture these allegations.

Several requests for the audio of the phone conversation between § 87(2)(b) and Officer Lee were submitted. To date, the investigation has not been provided this audio. Typically, calls from department issued cell phones are not recorded and retained by the NYPD.

§ 87(2)(g)

Officer Lee testified that he told § 87(2)(b) that if § 87(2)(b) did not open the door, Officer Lee would find a way in, which he said meant that he would kick the door down. Both Officer Choi and Sgt. Cameron stated that Officer Choi and Officer Lee informed § 87(2)(b) that they would call ESU to the scene to break down the door to the business if § 87(2)(b) did not exit. Because both Officer Lee and Officer Choi affirmed that they made statements about damaging § 87(2)(b) property to enter if he did not comply with their demands, and because Sgt. Cameron affirmed that Officer Choi and Officer Lee made statements to this effect, § 87(2)(b)

Although there was no testimony that Sgt. Cameron made any threats of force to § 87(2)(b) he affirmed that he was present when Officer Lee and Officer Choi made these threats to § 87(2)(b). As the ranking officer on scene, Sgt. Cameron was responsible for the actions that occurred in his presence in connection with this stop, including Officer Choi's and Officer Lee's threats to damage § 87(2)(b) door. As such, a threat to damage property allegation was pleaded against Sgt. Cameron.

In People v. De Bour, 40 N.Y.2d 210, the courts found that a stop requires reasonable suspicion on the part of officers that the individual being stopped has committed, is committing, or is about to commit a crime.

Patrol Guide Procedure 200-02 establishes the mission, vision, and values of the police department (BR31). The procedure notes that officers must pledge to "protect the lives and property of fellow citizens."

§ 87(2)(g)

Here, the officers threatened to affect a warrantless entry into § 87(2)(b) office, a place where § 87(2)(b) had an expectation of privacy. An entry into the office would have constituted a higher level of intrusion than a stop

and would have required a higher quantum of evidence than the officers possessed. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Eugene Choi refused to provide his name to § 87(2)(b)

In his testimony to the CCRB, § 87(2)(b) stated that sometime after Sgt. Cameron had arrived and after Officer Lee said that he would break his security equipment, § 87(2)(b) opened the door. Sgt. Cameron told § 87(2)(b) to give him his ID, which § 87(2)(b) did. § 87(2)(b) asked officers for their names. § 87(2)(b) did not recall which specific officers he asked. § 87(2)(b) did not remember how the officers responded, but he only ever received Officer Lee's name.

Officer Choi believed that § 87(2)(b) already knew the names of all of the involved officers because he said Officer Lee's name out loud multiple times. Officer Choi believed that § 87(2)(b) knew his name because he was looking at his shield. Officer Choi believed that § 87(2)(b) was looking at his shield because § 87(2)(b) said, "I'm gonna need some names," to the officers. Officer Choi did not say anything in response to § 87(2)(b) saying, "I'm gonna need some names."

Officer Lee did not recall if Officer Choi stated his name to § 87(2)(b) at any point. Officer Lee did not recall if Sgt. Cameron stated his name to § 87(2)(b) at any point.

BWC footage from Officer Lee, Officer Choi, Officer Sjoberg and Sgt. Cameron (BR17 through BR20) does not depict § 87(2)(b) request any of the officer's names. BWC footage captures the entirety of § 87(2)(b) conversation with officers outside of his office. Officer Choi's BWC footage (BR19) shows § 87(2)(b) asking Officer Lee, "Lee, right?" § 87(2)(b) did not say the names of any other officer. § 87(2)(b) does not make any other statements about officer names.

§ 87(2)(b) stated that after he exited his office to show his ID to Officer Lee, Officer Choi and Sgt. Cameron, he asked officers for their names. BWC footage from the officer's present at the location depicts the entirety of the conversation between § 87(2)(b) and Sgt. Cameron, Officer Lee, and Officer Choi outside of § 87(2)(b) office. At no point does § 87(2)(b) ask any officer for their name or make any statements about officer's names. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Eugene Choi failed to provide § 87(2)(b) with a business card.

Allegation (I) Abuse of Authority: Police Officer Thomas Lee failed to provide § 87(2)(b) with a business card.

Allegation (J) Abuse of Authority: Sergeant Kevin Cameron failed to provide § 87(2)(b) with a business card.

It is undisputed that § 87(2)(b) was not provided a business card by Officer Choi, Officer Lee or Sgt. Cameron at the conclusion of the stop. § 87(2)(b) was not arrested or summonsed as a result of this incident.

A stop report was prepared by Officer Lee in relation to this incident (BR08). The report contains a field titled “Business Card Offered to Person Stopped?” and “If No, Describe.” The report notes that no business card was offered. In the reason for not offering business card to person stopped section, Officer Lee wrote “person too agitated at the time creating a hostile environment.” The report was approved by Sgt. Cameron.

In his testimony to the CCRB, Officer Choi stated that he did not provide a Right to Know Act (RTKA) card to § 87(2)(b) because he did not believe that it was necessary to provide an RTKA card in this situation. Officer Choi was shown a stop report documenting the incident. After viewing the portion of the stop report that states officers did not provide § 87(2)(b) with a business card because he was too agitated, Officer Choi stated that the officers left the scene of the incident without offering business cards because § 87(2)(b) as “agitated” because “he was talking in a loud voice and yelling.”

Officer Lee stated that officers were prevented from giving § 87(2)(b) a business card because he was very irate and angry, and it seemed like he did not want to speak to officers. Officer Lee believed that § 87(2)(b) was irate because of the tone of his voice. There were no other reasons that made Officer Lee believe that § 87(2)(b) was irate. Officer Lee stated that under the Patrol Guide, officers did not need to give a business card under the circumstances present during this incident time. Officer Lee stated that officers are required to provide a civilian a business card in stop situations or if a civilian requests a business card.

In his testimony to the CCRB, Sgt. Cameron initially stated that Officer Lee and Officer Choi offered § 87(2)(b) their business cards at the end of the interaction and § 87(2)(b) accepted the cards. Sgt. Cameron stated that an officer other than himself gave a business card to § 87(2)(b) but could not remember if Officer Lee, Officer Choi, or both officers provided § 87(2)(b) with business cards. Sgt. Cameron stated that it was necessary for the officers to provide RTKA business cards in this situation. Sgt. Cameron was shown a stop report documenting this incident that Sgt. Cameron had approved. The undersigned investigator directed Sgt. Cameron’s attention to the “Narrative” box on the report, which stated, “Unable to give business card to person stopped due to his behavior.” Sgt. Cameron stated that upon reading the narrative, he remembered that § 87(2)(b) “did not accept” an RTKA business card. When asked to clarify what he meant by this, Sgt. Cameron then stated that the officers were “unable” to give § 87(2)(b) a business card. When asked why the officers were “unable” to give § 87(2)(b) a business card, Sgt. Cameron stated that the officers gave their information verbally. Sgt. Cameron’s Sergeant’s Benevolent Association representative Sgt. Ed Geary said that § 87(2)(b) was angry. Sgt. Cameron said that § 87(2)(b) being angry caused Sgt. Cameron not to provide him with a business card, because he believed “it would escalate the situation.” Sgt. Cameron was asked to clarify what he meant by, “escalate the situation.” Sgt. Cameron could not clarify what was meant by “escalate the situation.”

Sgt. Cameron’s BWC footage (BR20) depicts § 87(2)(b) conversation with officers outside of § 87(2)(b). § 87(2)(b) verbal volume remains low throughout the roughly three-minute conversation. The BWC videos from Officers Lee, Choi and Sjoberg depict the same interactions as Sgt. Cameron’s BWC. No officer attempted at any point to provide § 87(2)(b) with a business card or otherwise hand him anything. No officer provided § 87(2)(b) with any identifying information. § 87(2)(b) told officers that he believed that their actions were inappropriate, Sgt. Cameron told § 87(2)(b) to have a good day, and all officers walked away

from the office.

Sgt. Cameron, Officer Lee and Officer Choi all failed to provide § 87(2)(b) with a business card, despite the fact that they all engaged in a stop of § 87(2)(b) person. Officer Lee stated that he did not provide § 87(2)(b) a business card because he was angry and irate, as evidenced by his tone of voice. Officer Choi stated that he did not provide § 87(2)(b) a business card because § 87(2)(b) was agitated, as evidenced by what Officer Choi described as § 87(2)(b) “talking in a loud voice and yelling.” Sgt. Cameron stated that he did not provide § 87(2)(b) with a business card because § 87(2)(b) was angry and because he believed that offering him a business card would “escalate the situation.” Sgt. Cameron could not clarify what was meant by “escalate the situation.”

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Allegation (O) Untruthful Statement: On August 21, 2021, Police Officer Eugene Choi provided a false official statement to the CCRB.

In his testimony to the CCRB, Officer Choi initially stated that he was not required by the Patrol Guide to provide a business card to § 87(2)(b) at the conclusion of the interaction and that he did not provide his business card because he believed that § 87(2)(b) knew the officers' names. At 35m45s into the CCRB interview, Officer Choi was shown a copy of the stop report completed by Officer Lee. Upon viewing the report, Officer Choi stated that the officers left the scene without offering § 87(2)(b) their business cards because § 87(2)(b) was "agitated" and "talking in a loud voice and yelling."

Sgt. Cameron's BWC footage (BR20) depicts the entirety of § 87(2)(b) conversation with officers outside of § 87(2)(b). § 87(2)(b) verbal volume remains low throughout the roughly three-minute conversation. The BWC videos from Officer Lee, Officer Choi, and Officer Sjoberg depict the same interaction as Sgt. Cameron's BWC.

NYPD Administrative Guide 304-10 regarding False or Misleading Statements took effect as of June 10, 2021. The guideline defines a false statement as "an intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation, proceeding, or

other matter in connection with which the statement is made.” A material fact is defined as “a significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences, or establishment of the elements of some proscribed conduct. It is a fact that is essential to the determination of the issue and the suppression, omission or alteration of such fact would reasonably result in a different decision or outcome.”

Officer Choi’s statement regarding § 87(2)(b) yelling was § 87(2)(b) because BWC footage shows that § 87(2)(b) did not yell or otherwise raise his voice during the interaction with officers.

Officer Choi originally stated that he was not required to provide § 87(2)(b) with a business card during this incident. However, later in the interview he was shown a stop report that contained a section regarding offering a business card to the stopped person. After observing the stop report, Officer Choi stated that the § 87(2)(b) was talking in a loud voice and yelling, and that it was because of this behavior that § 87(2)(b) was not offered a business card. Officer Choi’s § 87(2)(b) statement about § 87(2)(b) behavior was material to the Failure to Provide RTKA allegation under investigation § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR15).
- Officer Choi has been a member of service for 15 and has been a subject in six CCRB complaints and 10 allegations, of which one was substantiated:
 - 201700423 involved substantiated allegations of Abuse of Authority – Refusal to provide name/shield number against Officer Choi. The Board recommended Formalized Training and the NYPD imposed instructions.
- Officer Lee has been a member-of-service for thirteen years and this is the first CCRB complaint to which he has been a subject.
- Sgt. Cameron has been a member of service for eight years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming false arrest/imprisonment and/or unlawful detainment, illegal search and seizure, intentional infliction of emotional distress, trespass, negligent hiring/retention/training (BR16). The NOC also claims violations of the New York State Constitution, NYC Human Rights Law, and 42 SUC 1981, 1983, and 1985. § 87(2)(b) Notice of Claim seeks \$5,000,000 as redress. As of January 28, 2022, no 50H hearing had been scheduled.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 12

Investigator: Joseph Hennessy Investigator Joseph Hennessy January 21, 2022
Signature Print Title & Name Date

Squad Leader: Carlmais Johnson IM Carlmais Johnson January 28, 2022
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____